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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,620	12/05/2001	Tony Brummel	29794/37022A	5912
4743	7590	03/24/2005	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,620

Applicant(s)

TONY BRUMMEL ET AL

Examiner

X L Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/9/02, 6/17/02, 3/3/03, 8/6/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-13, 15-26, 29-33, and 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by *Lavin et al* (US 5,772,585).

Claims 1, 11, 18, 21, 31 and 38:

Lavin discloses a system and method for managing patient medical information (electronic health care system) having common graphic user interface (abstract; col. 1, lines 53-63; col. 2, lines 13-22, 39-51, which has a common menu (activities; col. 5, lines 48-56) and common visual components (figs. 2, 4-6, 7-12); and a modular framework (col. 8, lines 59-67; col. 9, lines 1-18, 66-67; col. 10, lines 1-29; col. 12, lines 26-37, 65-67; col. 13, lines 1-44; col. 14, lines 24-36). Lavin illustrates in fig. 1 a plurality of workstations having a display screen, a processor, input devices, memory, etc. (col. 2, lines 1-38; col. 4, lines 33-50).

Claims 2, 12, 22 and 32:

Lavin teaches a single information database including data accessible by a

plurality of activities of the modular framework (abstract; col. 1, lines 32-63; col. 2, lines 1-5, 39-57, 65-67; col. 3, lines 1-7, 66-67; col. 4, lines 1-23).

Claims 3 and 23:

Lavin teaches the database includes patient records (col. 1, lines 21-34, 53-63; col. 2, lines 1-57).

Claims 4, 9, 10, 24, 29 and 30:

Lavin teaches system user security information (col. 5, lines 37-47; col. 9, lines 2-4).

Claims 5 and 25:

Lavin teaches at least one workspace displaying activities in the user interface (figs. 2, 4-6, 7-12).

Claims 6 and 26:

Lavin teaches a user interface having an activities toolbar listing available activities within the workspace and an area for displaying information related to a selected activity (figs. 2, 4-6, 7-12).

Claims 13 and 33:

Lavin teaches users are enabled to search the information database (col. 11, lines 61-67; col. 12, lines 1-25).

Claims 15-17 and 35-37:

Lavin teaches the system alerts the user in response to information provided in an activity (col. 2, lines 8-17, 35-38).

Claims 19 and 39:

Lavin teaches the workspace has a home (fig. 2), a workbench (figs. 4-11), appointment, patient information, clinical, report, etc. (col. 2, lines 39-51).

Claims 20 and 40:

Lavin teaches activities include at least one of order entry (claim 33), charts (col. 1, lines 21-31), alerts (col. 2, lines 12-16, 35-38), patient history (col. 2, lines 9-11), demographics (col. 2, lines 6-7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 14, 27, 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lavin* and *Donnelly* (US 5,929,851).

Claims 7, 8, 14, 27, 28 and 34:

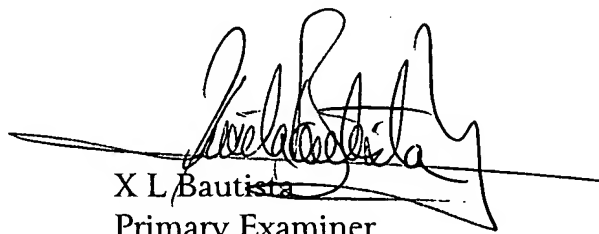
Lavin does not teach that the toolbar may be defined by the user. However, Donnelly discloses a graphical user interface that enables users to define a toolbar or menu. Donnelly teaches that users are enabled to define actions via visual views within the user interface (abstract; col. 1, lines 34-43; col. 2, lines 10-25, 37-67; col. 7, lines 11-18; col. 8, lines 40-56; col. 9, lines 7-26). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Lavin's interface to include Donnelly's teaching of customizing a menu because as Donnelly says, the user is provided with an easy to use mechanism for grouping actions together as desired, for example so that the most commonly used actions are provided in one place.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (7571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Primary Examiner
Art Unit 2179

xlb
17 March 2005